

PIKE COUNTY PROJECT DEVELOPMENT BOARD**MEETING MINUTES**

Pike County Courthouse
Pikeville, Kentucky

July 5, 2007

AOC CONSTRUCTION FILE

COUNTY: PIKE

FILE CODE: PDR1

SUBMITTED BY: JL

DATE: 8/6/07

CHAIR: Judge/Executive Wayne T. Rutherford

MEMBERS OF THE BOARD PRESENT:

Magistrate Jeff Anderson
City Manager/AOC Representative Donovan Blackburn
Circuit Judge Eddy Coleman
Circuit Court Clerk David Deskins
AOC Project Manager Jeff Lilly
Citizen at Large Hon. Charles E. Lowe, Jr.
District Judge Darrell Mullins
State Bar Association Representative Neal Smith

OTHERS PRESENT:

Bobby Branham, Executive Assistant to Judge/Executive
R. Roland Case, Assistant Pike County Attorney
Rose Farley, Recorder
Deputy Judge John Doug Hays
Jim Hobbs for Pikeville United Methodist Church
Melanie Horton, President of the Pike County Bar Association
Larry Keene, Property Owner
Lloyd Keene, Property Owner
T. J. Litifik, Executive Assistant to Judge/Executive
Jeanne Robinson, Executive Assistant to Judge/Executive
Peggy Schnell, Property Owner
David Stratton, Attorney

MEMBERS OF THE PRESS PRESENT:

Loretta Tackett, Reporter for *The Appalachian News-Express*

Judge/Executive Wayne T. Rutherford, Chair of the Pike County Project Development Board, called to order a regularly scheduled and duly noticed meeting of the Board on July 5, 2007, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky.

For the record, Judge Rutherford read a list of the following who presented packets or site plans for consideration by the Board at this meeting. He announced that the Board had adhered to all publication and notification procedures.

Property: City of Pikeville Site Plan
Greg & Adrienne Justice

Architect: DLZ
Lewis & Henry Group
Sherman, Carter, Barnhart
Brandstetter Carroll, Inc.
S & A Architecture, Inc.
CMW, Inc.
GRW, Inc.

Construction Manager: Codell Construction
D.W. Wilburn, Inc.

Financial Advisor: KACo
First Kentucky Securities
Morgan-Keegan & Company
C.D. Bowling & Associates
Ross, Sinclair & Associates

Judge Rutherford called upon Jeff Lilly, AOC Project Manager and representative for Garland Vanhook, to explain the procedure for considering selection of the above names. He said basically, the AOC's procedure included the public hearing as held by this Board on July 26, 2007, but properties could still be submitted up to the date of the next meeting unless the Board has already decided on a site.

He said he had briefly viewed the Justice property but did not know the amount of acreage, stating it did not look very large. He asked Pikeville City Manager Donovan Blackburn about the amount of the City's land and Mr. Blackburn said he would speak with the commissioners about this. Mr. Lilly said if one of these two properties is suitable and the Board chooses it, then at that time other things could be handled.

Judge Rutherford asked if anyone was present who desired to have other property considered by the Board. Jim Hobbs from the Pikeville United Methodist Church came to state the church has been given a gift of \$1 million with an attached requisite that a completely new church building be constructed. He suggested something might be worked out to sell the church site, the neighboring AEP Building and adjacent property now used for parking behind the church, all owned by the church. Judge Rutherford asked him to bring a proposal to the August 2 meeting.

Magistrate Anderson asked for a description of this property for the record. Mr. Hobbs said the property on Main and Huffman Avenue runs back to the property owned by Bobby Huffman, crosses Cricket Alley which separates the AEP Building from the church, and runs back to Huffman Avenue. He said both parking lots back up to the service station where the church rents a portion to the station.

State Bar Representative Neal Smith stated that if consideration is given to the acquisition of the Methodist Church, then research into acquiring the Family Bank and

the service station should be considered since that would encompass property all the way back to Second Street. Mr. Lilly asked for figures showing square footage, a plot and as much information as possible for the next meeting. He strongly urged, however, that before the Board makes a final decision on property, it would be advisable to first hire an architect to render his expertise on site consideration.

When Judge Rutherford called for presentation of any other properties, Larry Keene, Lloyd Keene and Peggy Schnell offered two pieces of property on Main Street for consideration which they own. Judge Rutherford asked for a plot map to be brought to his office in the courthouse for submission. Judge Eddy Coleman pointed out that particular piece of property is contiguous to the Pinson property which affords an opportunity to use the alley all the way to Pike Street, thus making it worth considering.

Mr. Smith related that Jim Thompson came to his office and stated Dr. Thompson wanted to speak with the Board about selling his property from Main Street to Second Street including the alley. Judge Rutherford asked for a plot plan and Mr. Smith said he would have them do that. Mr. Blackburn mentioned he had been contacted by owners of the property contiguous to the Dawahare Building and also the property next door.

Mr. Lilly asked the Board to make a short list from the seven submittals to narrow the field from a maximum of six to a minimum of three companies and he asked the Board to carefully peruse the materials submitted. He said the companies would bring past references, their pertinent information and give a thirty-minute presentation with interviews. In response to Mr. Smith's question, Mr. Lilly said the meeting would run as a thirty-minute presentation with a ten-minute break which would produce a very long meeting unless the short list is down to three companies. He added two meetings might be necessary.

Judge Rutherford asked if Mr. Lilly were permitted to give recommendations on past architects and he replied he was not but he could give information on who was working where on projects, which he did. Judge Coleman asked which one had not done any work for AOC and Mr. Lilly said he was not aware of who is on what staff. He said a special meeting could be called after the regular August 2 meeting. Circuit Court Clerk David Deskins pointed out if the Board decided on a short list, they could hold a longer meeting but Mr. Lilly stated AOC standards require at least two weeks to permit enough time for the companies to gather information to present. He asked for the eight architectural firms to be narrowed down to at least six. Mr. Blackburn said he could not be present at the August 2 meeting and felt it would be better to come back at the next meeting for this review. It was decided to allow the entire month to examine these submittals.

When Judge Rutherford stated the square footage of the proposed courthouse runs about 98,000 square feet and asked if any other projects were comparable to this size, Mr. Lilly answered one project in Franklin County and one in Campbell County ran close to this one. Judge Rutherford then asked if any of these architects have those projects and was told no by Mr. Lilly, that they are in the same stage as this project. He said this was the third largest project in the state.

FRANKLIN CO. - Law & Henry }
CAMPBELL CO. - CMW } ALLOWED SINCE LAST MEETING

Judge Rutherford inquired whether any of the architectural firms have served for past projects Mr. Lilly had completed and he said yes, except S & A. Judge Rutherford then asked if any projects were now operating and in use and was told yes, four or five, including CMW and Brandstetter Carroll, Inc., but he was not at AOC at the time of any previous projects.

Judge Rutherford asked the standing of the Pike County project and Mr. Lilly said the closest project is in Boyd County but this project would not have the same contractors bidding on the western Kentucky projects. He reiterated that at the August 2 meeting, the properties will be submitted and the short list for the architects will be chosen and two weeks after that the interviews will be set.

AUGUST 16TH?

RE-WORD (EXPLAN)
A Construction Management firm was the next discussion for which two submittals were presented, Codell Construction and D.W. Wilburn, Inc. Judge Rutherford pointed out a minimum of three is needed but Mr. Lilly said that would not stop the project and both of them will be invited to interview. Judge Rutherford asked if a change could be made once a construction manager is chosen and Mr. Lilly said if the Board chooses to hire a construction management firm, it would work with the architect, do geotech work, and get the packets ready up to bid day. He said once the bids are let by a general contracting firm, the entire package is bid and the lower of the combination of all the general contractors gets the bid. He said at that point, the firm leaves; its work is completed. Magistrate Anderson asked if there is a low bidder, must it be done that way and Mr. Lilly said typically, this is the way it is carried out but if the Board can prove why it does not want to hire the low bidder, then that may be considered.

Mr. Smith pointed out if that is done, specific qualifications must be required or something other than just the low bid in the bid specs; that the criteria must be presented up front. Mr. Lilly said a list of criteria is made available and definitely, an absurdly low bid on a \$27 million project would not happen due to those requirements. He stated that the architect should be selected before the construction management firm. He said that is typical because the architectural firm will see and notice things which it can point out if already hired. He said any of the submitted architectural firms are qualified.

Financial Advisor consideration was next. Mr. Lilly stated there are five submittals and a maximum of three is needed or a minimum of one. He said that means two of the five companies must be weeded out. He said interviews would be done the same way but it would not take as long for this. Basically, it will be how the flow of the project will go; how bonds will be sold, if any; and how to finance the project.

Judge Rutherford asked if the submitted financial advisors would sell bonds and Mr. Lilly said KACO, Morgan-Keegan and Ross, Sinclair usually did. Judge Rutherford asked if any member of the Board could call offices submitted to ask for further information and Mr. Lilly said absolutely, but it must be a group decision on who is chosen. He said everything will be discussed at the August 2 meeting and then another date will be set for the interviews and presentations with a minimum of two weeks and maximum of a month. He said a special meeting could be called on August 16.

Judge Coleman asked Melanie Horton, President of the Pike County Bar Association who was present in the audience, if she could set up a meeting with Bar representatives because there was hardly any input from the Bar when the other facility

was constructed. Ms. Horton responded that a dinner was planned for July 30 at the Landmark Inn to inform all the attorneys about this project. Mr. Lilly confirmed that the Bar will definitely have a voice once the architect is hired who will meet with the bar representatives. David Stratton, a local attorney also present, said the Bar would have input on the location. Mr. Lilly emphasized the architect would immediately know which property would or would not work. It was decided to postpone the bar meeting until after the August 2 meeting.

Judge Rutherford brought up security and Mr. Lilly said that would come into play later. Judge Rutherford asked if AOC operates on United States Marshal guidelines and security and Mr. Lilly answered yes. Judge Coleman declared he did not think courthouses were currently being built with a jail included in the building. He stated most prisoners now are carried from portal to portal. Mr. Lilly agreed, stating holding cells are now being used. Mr. Lilly said a pedway is not a popular item right now and they are very expensive. He said courthouses being built now will carry prisoners from jail to a holding cell to eliminate the sallyport. ?

Mr. Blackburn stated the property issue was vital but Mr. Lilly said at the August 2 meeting, an architect would not be chosen, just invited back. He said a dollar amount and plots are needed and the architect may preview those. He said properties had been requested now just to get everyone ready and emphasized no properties would be purchased without consultation by the architect. When Mr. Smith said that was not much time, Mr. Blackburn said properties that could not be used could simply be eliminated.

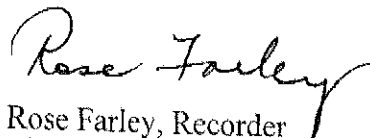
Judge Rutherford asked about parking availability and Mr. Lilly said parking issues would definitely be a factor because of the sheer volume needed. He pointed out not just elected officials but private individuals must have easy access.

Mr. Lilly said advertisements must be set up for bond counsel and asked for a motion from the Board. He said the fee schedule is being changed and would be out in two weeks. These packages will come in at a later date. **Upon motion by Neal Smith and second by Donovan Blackburn, the Board AUTHORIZES and APPROVES having the Clerk of the Fiscal Court to place advertisements and notices for Bond Counsel for the Pike County New Judicial Center Project in *The Appalachian News-Express* and in *The Lexington-Herald*.****

MOTION PASSED BY UNANIMOUS ROLL CALL VOTE.

With no further business to come before the Board, Judge Rutherford ADJOURNED the meeting.

Respectfully submitted,


Rose Farley, Recorder

****[Clerk's Note: Mr. Jeff Lilly of AOC stated he does not cast a vote unless there is a tie vote or a quorum is needed.]**